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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,684	12/03/2004	Hyung-Chul Kang	8513-241 (SFF-1761-US)	6624

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

BACHMAN, LINDSEY MICHELE

ART UNIT	PAPER NUMBER
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3734

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,684

Applicant(s)

KANG, HYUNG-CHUL

Examiner

Lindsey Bachman

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Applicant's Request for Continued Examination filed on 14 August 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metcalf (US Patent 1,380,232) in view of Risley (US Patent 1,198,958).

Claim 1 and 5: Metcalf'232 teaches a device a holder (5), and a pressing portion having a first extension (2), a second extension (3) which correspond to each other are branched off and extended from the holder (see Figure 1). The pressing portion also contains a ring-like hole (4) formed inward of the first and second extensions. The distance between the inner surface of the first and second extensions decreases as it

reaches the distal end (end of device closest to element 10) of the extensions.

Metcalf'232 also teaches an auxiliary grip (10) that extends perpendicular to the holder.

Metcalf'232 does not teach that the bottom of the surface is formed with a convex curved surface.

Risley'958 teaches that it is old and well-known to use tweezers with a convex curved surface because it aids in grasping. It would have been obvious to one skilled in the art at the time the invention was made to modify the device taught by Metcalf'232 with the convex curved surface taught by Risley'958 because it aids in grasping.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metcalf'232 in view of Risley'958, as applied to Claim 1, in further view of Chester (US Patent 3,815,609).

Metcalf'232 in view of Risley'958 teach the limitations of Claim 2, except for corresponding grooves and protrusions formed on the inner surfaces of the first and second extensions in a corresponding uneven shape.

Chester'609 teaches that it is old and well-known to form grooves and protrusions on the inner surface of a device in a corresponding, uneven shape (column 2, lines 29 to column 3, line 4) because they aid in grasping. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device taught by Metcalf'232 in view of Risley'958, with grooves and protrusions as taught by Chester'609 because they aid in grasping.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metcalf'232 in view of Risley'958, as applied to Claim 1, in further view of Segal (US Patent 1,714,822).

Metcalf'232 in view of Risley'958 teach the limitations of Claim 6 except for a ball at the end.

Segal'822 teaches a forceps with a locking mechanism (Figure 1) for holding the arms of a tweezer in a fixed position. The locking mechanism contains a ball-shaped ball (20) at the proximal end. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device taught by Metcalf'232 in view of Risley'958 with the locking mechanism of Segal'822 in order to temporarily lock the arms of the tweezers.

Response to Arguments

Applicant's arguments filed 2 February 2007 regarding Metcalf have been fully considered but they are not persuasive. Applicant argues that Metcalf does not teach a ring-like pimple insertion hole formed inward of the first and second extensions. This is not persuasive because even when a user is not pressing elements 2 and 3 towards each other, a hole is located inwardly of elements 2 and 3 at element 4.

Applicant's arguments filed 14 August 2007 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsey Bachman whose telephone number is 571-272-6208. The examiner can normally be reached on Monday to Thursday 7:30 am to 5 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MICHAEL J. HAYES
SUPERVISORY PATENT EXAMINER